Department of Energy
Washington, DC 20585

21 September 2004

Mr. Steven L. Spangle
Field Supervisor
Arizona Ecological Services Field Office
U.S. Fish and Wildlife Service
U.S. Department of the Interior
2321 West Royal Palm Road, Suite 103
Phoenix, Arizona 85021-4951

SUBJECT: Second request for formal consultation under §7 of the Endangered Species Act for potential impacts relating to the proposed TEP Sahuarita-Nogales transmission line project.

Dear Mr. Spangle:

On 26 April 2004, you provided the Department of Energy (DOE) with a Biological Opinion (your reference number AESO/SE; 02-21-00-F-0427) with regard to the "Tucson Electric Power Company (TEP) Sahuarita-Nogales Transmission Line Draft Environmental Impact Statement (DEIS)," DOE/EIS-0336. DOE is the lead agency in the preparation of the EIS, and the U.S. Forest Service, the Bureau of Land Management, and the U.S. Section of the International Boundary and Water Commission are cooperating agencies.

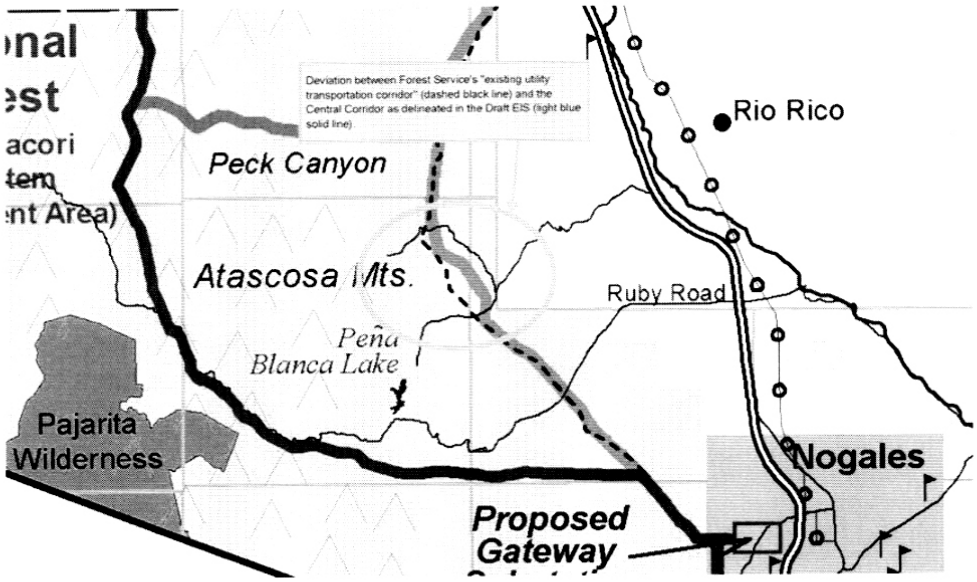
Three alternative routes were analyzed in the DEIS: the Western, Central, and Crossover Corridors. DOE has designated the Western Corridor as its preferred alternative. Accordingly, on 18 November 2003, we requested formal consultation under §7 of the Endangered Species Act of 1972, as amended, for your determination of potential impacts to Federally listed threatened and endangered species for DOE's preferred Western Corridor alternative identified in the DEIS.

However, on 19 July 2004, Ms. Jeanine A. Derby, Forest Supervisor, Coronado National Forest, Forest Service, U.S. Department of Agriculture, advised DOE that the Forest Service has selected two preferred alternatives that differ from the Western Corridor, as follows:

1. The route crossing National Forest System lands follows the existing utility transportation corridor mapped in the Land and Resource Management Plan for the Coronado National Forest, and

2. The route crossing National Forest System lands follows the path designated in the Draft EIS as the Central Corridor.

It is important to note that these two alternatives are essentially identical, except for a single minor deviation as depicted in the graphical enlargement provided below.



As was noted in our letter of 18 November 2003, for all three alternate routes, TEP is proposing to build a new, double-circuit, 345,000-volt transmission line from TEP's South Substation in the vicinity of Sahuarita, Arizona, to the site of the proposed Gateway Substation to be located west of Nogales, Arizona. From the Gateway Substation, the proposed transmission line would continue south across the United States-Mexico border for approximately 60 miles (98 kilometers) into Sonora, Mexico, where it would connect with the Comisión Federal de Electricidad at the Santa Ana Substation. Please refer to Chapter 2 of the DEIS for additional information regarding the proposed action and details regarding each alternative.

TEP contracted with the Harris Environmental Group (HEG) to prepare separate Biological Assessments (BAs) for each of the three action alternatives (alternate routes). These BAs were prepared to satisfy regulations contained in 50 C.F.R. § 402.12 and § 402.14 (c)(1) - (6) and to establish a foundation to support the requested §7 consultation. A BA for each of the three alternate corridors analyzed in the DEIS is contained on the CD-ROM that was sent to you with the DEIS. All of the species listed by the FWS as potentially occurring in Pima and Santa Cruz Counties were considered in each BA. A detailed evaluation was completed in each BA for those species potentially occurring within the proposed corridors and rationale for the above effects determinations was documented in each of the BAs. The table below summarizes the effects determinations for the federally listed species that would be affected for the Forest Service's preferred alternatives (Central Corridor and existing utility transportation corridor variant):

SPECIES	POTENTIAL EFFECT
Cactus ferruginous pygmy-owl	The proposed action may affect and is likely to adversely affect this species.
Southwestern willow flycatcher	The proposed action may affect but is not likely to adversely affect this species.
Lesser long-nosed bat	The proposed action may affect and is likely to adversely affect this species.
Pima pineapple cactus	The proposed action may affect and is likely to adversely affect this species.
Jaguar	The proposed action may affect but is not likely to adversely affect this species.
Gila topminnow	The proposed action may affect but is not likely to adversely affect this species.
Mexican gray wolf	The proposed action may affect but is not likely to adversely affect this species.

Accordingly, for these Central Corridor alternatives, DOE is now requesting formal consultation on the following three species that this alternative may affect, and is likely to adversely affect:

I. Pima pineapple cactus
II. Lesser long-nosed bat, and
III. Cactus ferruginous pygmy-owl.

DOE is also requesting concurrence that this alternative may affect, but is not likely to adversely affect, the following four species:

IV. Jaguar
V. Mexican gray wolf
VI. Southwestern willow flycatcher, and
VII. Gila top minnow

Furthermore, by virtue of the fact that the three cooperating agencies (DOE, Forest Service, and BLM) have not yet documented their respective Records of Decision, such that a single preferred route satisfactory to all of the federal parties remains to be determined, we are hereby formally requesting that the earlier Biological Opinion of 26 April 2004 for the Western Corridor remain active and effective, and hence available to the agencies for reference and use in their deliberations.

Thank you for your kind consideration. If you have, or if your staff has, any questions or concerns, please contact me at 202-586-3362, by e-mail at jerry.pell@hq.doe.gov, or by fax at 202-318-7761.

Very truly yours,

Jerry Pell, Ph.D., CCM
TEP Project Manager

cc: Jeanine A. Derby, Coronado National Forest
Keith Moon, Bureau of Land Management